

COUNTY NOTICES OF PROPOSED RULEMAKING

Pursuant to A.R.S. § 49-112(A) or (B)

NOTICE OF PUBLIC INFORMATION

PINAL COUNTY AIR QUALITY CONTROL DISTRICT

- 1. Title and its heading:** Pinal County Air Quality Control District Code of Regulations

Chapter and its heading: Chapter 3 - Permits and Permit Provisions
Chapter 4 - Emissions from Existing and New Non-Point Sources
Chapter 7 - Hazardous Air Pollutant Standards
Appendix C - Controlled Open Burning and Earthmoving Fee Schedule

Articles and their headings: Article 1 - General Provisions Relating to Permits and Permit Revisions
Article 8 - Open Burning
Article 3 - Construction Sites - Fugitive Dust
Article 1 - Federal Hazardous Air Pollutant Program

Section Numbers: §§ 3-1-160, 3-8-710.C., 4-3-060, 7-1-010, 7-1-030, and
Appendix C - Controlled Open Burning and Earthmoving Fee Schedule

Ordinance Numbers: 121300AQC - Pinal County Board of Supervisors' Travel Reduction
Ordinance for Area A
- 2. The public information relating to the listed sections:**

This provides notice that a public hearing has been scheduled for Wednesday, December 13, 2000, to begin at 11:00 a.m. at the following location: Pinal County Board of Supervisor's Hearing Room, Administration Building No. 1, 31 North Pinal Street, Florence, Arizona 85232.

Public Hearing:

Date: **December 13, 2000**

Time: 11:00 a.m.

Location: Pinal County Board of Supervisor's Hearing Room
Administration Building No. 1
31 North Pinal Street
Florence, Arizona 85232
- 3. The name and address of agency personnel with whom persons may communicate regarding the public information:**

Name: Don Gabrielson, Director

Address: Pinal County Air Quality Control
P.O. Box 987
Florence, Arizona 85232

Telephone: (520) 868-6929

Fax: (520) 868-6967

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4. The time during which the agency will accept written comments or questions about the public information and the time and place where oral comments or questions may be made:

Individuals interested in providing public comment can attend the public hearing in Florence, Arizona on the date and at the time and address provided in question #2. Written comments shall be submitted not later than 5:00 p.m., Wednesday, December 13, 2000, to the following person:

Name: Don Gabrielson, Director
Address: Pinal County Air Quality Control
P.O. Box 987
Florence, Arizona 85232
Telephone: (520) 868-6929
Fax: (520) 868-6967

**COMBINED
NOTICE OF PROPOSED RULE ADOPTION
AND
NOTICE OF PUBLIC HEARING ON PROPOSED RULEMAKING
PINAL COUNTY AIR QUALITY CONTROL DISTRICT**

1. Sections Affected Rulemaking Action

Chapter 3 - Permits and Permit Revisions, Article 1. General Provisions Relating to Permits and Permit Revisions, §§ 3-1-160. Test Methods and Procedures.	Amend
Chapter 3 - Permits and Permit Revisions, Article 8. Open Burning, § 3-8-700 (G). General Provisions, and § 3-8-710 (C). Permit Provisions and Administration.	Amend
Chapter 4 - Emissions from Existing and New Non-Point Sources, Article 3. Construction Sites - Fugitive Dust § 4-3-060. General Provisions.. . . .	New
Chapter 7 - Hazardous Air Pollutant Standards, Article 1. Federal Hazardous Air Pollutant Program § 7-1-010. General	Amend
§ 7-1-030. Performance Standards.	Amend
Appendix C - Controlled Open Burning and Earthmoving Fee Schedule	Amend
Ordinance 121300AQC - Pinal County Board of Supervisors' Travel Reduction Ordinance for Area A	New

2. Summary of the proposed rules and rule changes, any of which may be adopted in whole or in part:

To the extent that any of the affected rule provisions identified below may already constitute elements of the EPA-approved Arizona State Implementation Plan, or the County's EPA-approved Title V operating permit program, the effective date of those particular provisions may be conditioned upon a prior EPA-approval of a corresponding change to the existing EPA-approved plan or program.

- A. § 3-1-160. Test Methods and Procedures. Pinal County Air Quality Control District (PCAQCD) is proposing to amend this code in response to comments from the Environmental Protection Agency (EPA) dated July 24, 2000, (FRL-6839-6) regarding the criteria required for approval of test plans. The general code must define that test plan approval by the Control Officer does not include nondelegable functions of the EPA Administrator.
- B. § 3-8-700 (G). General Provisions, and § 3-8-710 (C). Permit Provisions and Administration. PCAQCD is proposing to amend this code to coincide with the proposed Pinal County Board of Supervisors' Residential Fire-place Restrictions. These two Sections are amended to include a no burn restriction to open burning permits when the carbon monoxide standard is likely to be exceeded in Area A.

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- C. § 4-3-060. Emissions from Existing and New Non-Point Sources, Article 3. Construction Sites - Fugitive Dust
The Pinal County Air Quality Control District (PCAQCD) is proposing a rule to implement a registration process for construction sites to insure adequate dust control measures are initiated in Area A of Pinal County, as defined in A.R.S. § 49-541. Pursuant to A.R.S. § 49-112 (A), as enacted in 1994, a county may adopt rules that are more stringent than or in addition to a provision of the state, provided the rule is necessary to address a peculiar local condition; and if it is either necessary to prevent significant threat to public health or the environment that results from a peculiar local condition and is technically and economically feasible or if it is required under federal statute or regulation, or authorized pursuant to an intergovernmental agreement with the federal government to enforce federal statutes or regulations if the county rule is equivalent to federal statutes or regulations; and if any fee adopted under the rule will not exceed the reasonable costs of the county to issue and administer that program. This rule addresses the peculiar local condition of the Pinal County Nonattainment Area "serious" classification for PM-10; the rules implement best available control measures (BACM) as required by the federal Clean Air Act (CAA) for "serious" PM-10 nonattainment areas, and need to be submitted to EPA for inclusion in the State Implementation Plan (SIP). On May 10, 1996, the Pinal County Nonattainment area was reclassified to "serious" for PM-10 in accordance with the CAA (61 FR 21372). Pinal County and the state of Arizona are submitting new rule § 4-3-060 as a revision to the Arizona SIP. This new rule meets the criteria for approvable Reasonably Available Control Measures (RACM) to control PM-10 emissions from construction sites.
- D. § 7-1-030. Performance Standards for Federally Listed Hazardous Air Pollutants: PCAQCD is proposing the adoption-by-reference revisions and additions to the 40 CFR Part 63 National Emission Standards for Hazardous Air Pollutants (NESHAP) standards promulgated under CAA §112:
1. "NESHAP from Phosphoric Acid Manufacturing Plants" (40 CFR 63, Subpart AA) adopted June 10, 1999 (64 FR 31358).
 2. "NESHAP from Phosphate Fertilizers Production Plants" (40 CFR 63, Subpart BB) adopted June 10, 1999 (64 FR 31358).
 3. "NESHAP from Oil and Natural Gas Production Facilities" (40 CFR 63, Subpart HH) adopted June 17, 1999 (64 FR 32610).
 4. "National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas system or a Process" (40 CFR 63, Subpart SS) adopted June 29, 1999 (64 FR 34854).
 5. "National Emission Standards for Equipment Leaks - Control Level 1" (40 CFR 63 Subpart TT) added June 29, 1999 (64 FR 34854).
 6. "National Emission Standards for Equipment Leaks - Control Level 2" (40 CFR 63 Subpart UU) added June 29, 1999 (64 FR 34854).
 7. "National Emission Standards for Storage Vessels (Tanks) - Control Level 2" (40 CFR 63 Subpart WW) added June 29, 1999 (64 FR 34854).
 8. "NESHAP for Source Categories: Generic Maximum Achievable Control Technology Standards"(40 CFR 63 Subpart YY) added June 29, 1999 (64 FR 34854).
 9. "NESHAP for Steel Pickling - HCL Process Facilities and Hydrochloric Acid Regeneration Plants" (40 CFR 63 Subpart CCC) added June 22, 1999 (64 FR 33202).
 10. "NESHAP for Mineral Wool Production" (40 CFR 63 Subpart DDD) added June 1, 1999 (64 FR 29490).
 11. "National Emission Standards for Pharmaceuticals Production" (40 CFR 63 Subpart GGG) added June September 21, 1998 (63 FR 50280).
 12. "NESHAP from Natural Gas Transmission and Storage Facilities" (40 CFR 63 Subpart HHH) added June 17, 1999 (64 FR 32610).
 13. "NESHAP for Flexible Polyurethane Foam Production" (40 CFR 63 Subpart III) added October 7, 1998 (63 FR 53980).
 14. "NESHAP from the Portland Cement Manufacturing Industry" (40 CFR 63 Subpart LLL) added June 14, 1999 (64 FR 31898).
 15. "NESHAP for Pesticide Active Ingredient Production" (40 CFR 63 Subpart MMM) added June 23, 1999 (64 FR 33550).

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16. "NESHAP for Wool Fiberglass Manufacturing" (40 CFR 63 Subpart NNN) added June 14, 1999 (64 FR 31695).
17. "NESHAP for Polyether Polyols Production" (40 CFR 63 Subpart PPP) added June 1, 1999 (64 FR 29420).
18. "NESHAP for Primary Lead Smelters" (40 CFR 63 Subpart TTT) added June 4, 1999 (64 FR 30194).
19. "NESHAP for Ferroalloys Production: Ferromanganese and Silcomanganese" (40 CFR 63 Subpart XXX) added May 20, 1999 (64 FR 27450).

The proposed changes mirror ADEQ's corresponding rule revisions and will make the code "at least as stringent" as the ADEQ rule, as required by A.R.S. § 49-479. See AAC R18-2-1101, amended 6 A.A.R. 1425, April 14, 2000, for additional background information.

- E. Ordinance 121300AQC - PCAQCD is proposing a Travel Reduction Ordinance to implement new air quality measures and reduce traffic impacts on air pollution and emissions within Area A of Pinal County by requiring major employers and schools to develop, implement, and maintain a Trip Reduction Program. The Travel Reduction Ordinance shall be a component of the Arizona SIP. If Pinal County is designated an attainment area for PM-10, this Travel Reduction Ordinance would be incorporated as a component of the applicable State Maintenance Plan. Pursuant to A.R.S. § 49-112 (A), as enacted in 1994, a county may adopt rules that are more stringent than or in addition to a provision of the state, provided the rule is necessary to address a peculiar local condition; and if it is either necessary to prevent significant threat to public health or the environment that results from a peculiar local condition and is technically and economically feasible or if it is required under federal statute or regulation, or authorized pursuant to an intergovernmental agreement with the federal government to enforce federal statutes or regulations if the county rule is equivalent to federal statutes or regulations; and if any fee adopted under the rule will not exceed the reasonable costs of the county to issue and administer that program. This rule addresses the peculiar local condition of the Pinal County Nonattainment Area "serious" classification for PM-10; the rules implement best available control measures (BACM) as required by the federal Clean Air Act (CAA) for "serious" PM-10 nonattainment areas, and needs to be submitted to EPA for inclusion in the State Implementation Plan (SIP). On May 10, 1996, the Pinal County Nonattainment area was reclassified to "serious" for PM-10 in accordance with the CAA (61 FR 21372). Pinal County and the state of Arizona are submitting Ordinance 121300AQC as a revision to the Arizona SIP. This new rule meets the criteria for approvable Reasonably Available Control Measures (RACM) to control PM-10 emissions from mobile sources.

3. A demonstration of the grounds and evidence of compliance with A.R.S. §49-112 (A) or (B):

Based on information and belief, the Director of the Pinal County Air Quality Control District affirms the following:

- A. Initially, the total of the fees and other charges currently assessed in connection with the administration of the County's air quality program do not now equal the cost of program administration. To the extent that both the County and ADEQ impose essentially parallel fees, the County's fees are capped by rule at ADEQ's rates, which implicitly affirms that the County's fees are reasonable.
- B. Based on a review of the operating costs of the Pinal County Air Quality Control District, and any reasonable projection of total of revenues resulting from the fees and other charges that would be assessed under any or all of the rule revisions proposed above, the Control Officer finds that there is no real risk that revenues will exceed the cost of program administration. The continuing fee-cap, defined by ADEQ's fee rates, continues to implicitly assure the reasonableness of the County's fees. Thus, implementation of any or all of the rule changes proposed above will still not violate the fee-limitations of either A.R.S. §§ 49-112(A)(3) or 49-112(B).
- C. With regard to the rule revisions outlined above, item 2.A. is an amendment to a rule in response to comments from the Environmental Protection Agency (EPA) dated July 24, 2000, (FRL-6839-6) regarding the criteria required for approval of test plans. Item 2.B. is an amendment to rule provisions to include a no burn restriction for open burning permits. Item 2.C. is a new rule to implement dust control measures at construction sites within the expanded Area A of Pinal County; item #2.D are revisions to conform existing County rules to ADEQ's parallel rules. As such, all of those changes inherently avoid triggering the A.R.S. §§ 49-112(A) and 49-479 requirement for a demonstration as a precedent to adoption of more stringent or functionally additional rules. Item 2.E. is a new ordinance to implement and maintain a Trip Reduction Program for major employers within the expanded Area A of Pinal County. This ordinance conforms to existing Maricopa and Pima County rules and were mandated by the Arizona Legislature for the expanded Area A, and signed by the Governor on May 29, 1998.

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4. Name and address of the person to whom persons may address questions or comments:

Name: Donald P. Gabrielson, Director
Address: Pinal County Air Quality Control District
P.O. Box 987
Florence, Arizona 85232
Telephone: (520) 868-6929
Fax: (520) 868-6967

5. Where persons may obtain a full copy of the proposed rule or existing rules:

Name: Pinal County Air Quality Control District
Address: P.O. Box 987 31 N. Pinal Street, Building F
Florence, Arizona 85232 Florence, Arizona
Telephone: (520) 868-6929
Fax: (520) 868-6967

Note - the District has the proposed revisions, as well as supporting materials, available in hard-copy or on disk.

6. Date, time, and location of scheduled public workshops and hearings:

A. Public Hearing

Date: December 13, 2000
Time: 11:00 a.m.
Location: Board of Supervisor's Hearing Room, Administration Building No. 1, 31 North Pinal Street, Florence, Arizona
Nature of meeting: Public hearing as an element of the regular meeting of the Pinal County Board of Supervisors, to consider formal adoption of some, all or none of the proposed revisions and ordinance.